IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

MICHAEL D. MICHAEL, as the Administrator of the ESTATE OF JACK D. MICHAEL, and JUDITH A. KUHN, as the Administratrix of the ESTATE OF PAUL F. HENDERSON, et al.,

Plaintiffs,

v. // CIVIL ACTION NO. 1:14CV212
(Judge Keeley)

The ESTATE OF ALEX KOVARBASICH, by and through ALBERT F. MORANO, SHERIFF OF HARRISON COUNTY, as the Administrator of the ESTATE OF ALEX KOVARBASICH, and CONSOLIDATION COAL COMPANY,

Defendants.

SUMMARY ORDER FOLLOWING STATUS CONFERENCE

Having been informed by the parties that the Supreme Court of Appeals of West Virginia affirmed the decision of the Circuit Court of Harrison County closing the Estate of Alex Kovarbasich, the Court entered an Order lifting the stay in this case and scheduling a status conference (dkt. no. 139) on Wednesday, November 23, 2016. At that conference, conducted by telephone, the Court and parties discussed the status of the case, as well as a case management plan. Following that, for the reasons stated on the record, the Court:

- **GRANTED** the motion to dismiss of the defendant, Estate of Alex Kovarbasich (dkt. no. 118), and **DISMISSED** it **WITH PREJUDICE**;
- **DENIED** the plaintiffs' motion to remand (dkt. no. 8);
- **PERMITTED** the parties to proceed with the deposition of

Lawrence Leroy Layne, as well as with document discovery relevant to that deposition, including exchange of recently discovered documents in the possession of Consolidation Coal Company, and any document produced pursuant to the parties' FOIA requests directed to the federal Mine Safety and Health Administration;

- **FOUND** that none of the limited discovery agreed to by the parties will impede the Court's ability to rule on pending motions; and
- **ORDERED** that no discovery beyond that previously approved be undertaken until the Court rules on these motions.

It is so **ORDERED**.

The Court directs the Clerk to transmit copies of this Order to counsel of record.

DATED: November 29, 2016.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE